



County of Santa Cruz

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March 8, 2000

Agenda: March 14, 2000

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

Re: Rio Highlands Subdivision: Request for Release of Securities

Dear Members of the Board:

On August 19, 1997, the Board of Supervisors approved the final map for the Rio Highlands Subdivision. The Public Works Department inspected the improvements and found them complete. The Board has yet to accept the improvements as complete due to concerns with the integrity of a retaining wall, wrought iron fence and landscaping.

The subdivider has now submitted a formal request pursuant to Code of Civil Procedure sections 996.020 and 996.030 to the Board for the release of the Faithful Performance Securities. The following options are available for the Board's consideration:

(1) Release fifty percent of the Faithful Performance Security which amounts to \$759,000.00, plus the Tax Security of \$30,000.00, plus the Monumentation Security of \$11,625.00 for a total of \$800,625.00, while retaining the Labor and Material Security in the amount of \$759,000.00 and the other fifty percent of the Faithful Performance Security for the Guarantee, Warranty and Maintenance Security in the amount of \$759,000.00 for the periods prescribed by law (i.e. ninety days and one year respectively, from the date of acceptance of the improvements);

(2) Release the amounts discussed in (1) above reduced by an amount sufficient to address the concerns regarding the retaining wall (\$96,800.00), the fence (\$9,600.00) and

irrigated landscaping in the area of the fence maintained for a six month period (\$30,000.00); or

(3) deny the subdivider's request.

The issues of concern to the Board have not been addressed by the subdivider.


IT IS THEREFORE RECOMMENDED that your Board take the following actions:

1. Accept the site improvements for Rio Highlands, Tract 1343, as complete in accordance with previously approved plans;
2. Adopt the attached resolution accepting the right of way areas designated Parcels B and C of the Rio Highlands Subdivision Map into the County maintained system;
3. Direct the Clerk of the Board to release the Tax Security of \$30,000.00, plus the Monumentation Security of \$11,625.00, plus release \$622,600.00 of the Faithful Performance Security, while retaining the balance of the Faithful Performance Security to provide for the Guarantee, Warranty and Maintenance of Work Security in the amount of \$759,000.00, and in addition retaining \$96,800.00 until the issue regarding the integrity of the retaining wall is resolved to the Board's satisfaction and \$39,600.00 until the issue of the fence constructed on top of the retaining wall and related landscaping in the area of the fence is resolved to the Board's satisfaction;
4. If, at the end of three months, a search of the records by the Auditor-Controller's office reveals no posted liens against the project, authorize the Clerk of the Board to release the Labor and Materials Security; and
5. If there are no problems with the improvements at the end of twelve

months, authorize the Clerk of the Board to release the Guarantee, Warranty and Maintenance of Work Security.

Very truly yours,

DWIGHT L. HERR, COUNTY COUNSEL

By 

DANA McRAE

Assistant County Counsel

RECOMMENDED:



SUSAN A. MAURIELLO

County Administrative Officer

Attachment: Resolution

cc: Public Works Department

Auditor-Controller

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO- -

On the motion of Supervisor "
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION ACCEPTING PARCEL "B" AND PARCEL "C"
INTO THE COUNTY MAINTAINED ROAD SYSTEM

WHEREAS, Parcel "B" and Parcel "C" have been constructed and improved to a
suitable design standard; and

WHEREAS, the Director of Public Works recommends that said streets be accepted
into the County Maintained Road System; and

WHEREAS, the Board of Supervisors finds, determines, and declares that the public
convenience and necessity will be served if said streets hereinafter described are maintained as a part
of the County Maintained Road System.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that all those portions of
streets as shown upon that certain map entitled, Volume 93 of Parcel Maps, Page 4, Parcel "B" and
Parcel "C" are hereby accepted into the County Maintained Road System in accordance with Section
941 of the Streets and Highways Code.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz,
State of California, this d a y o f _____, 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:

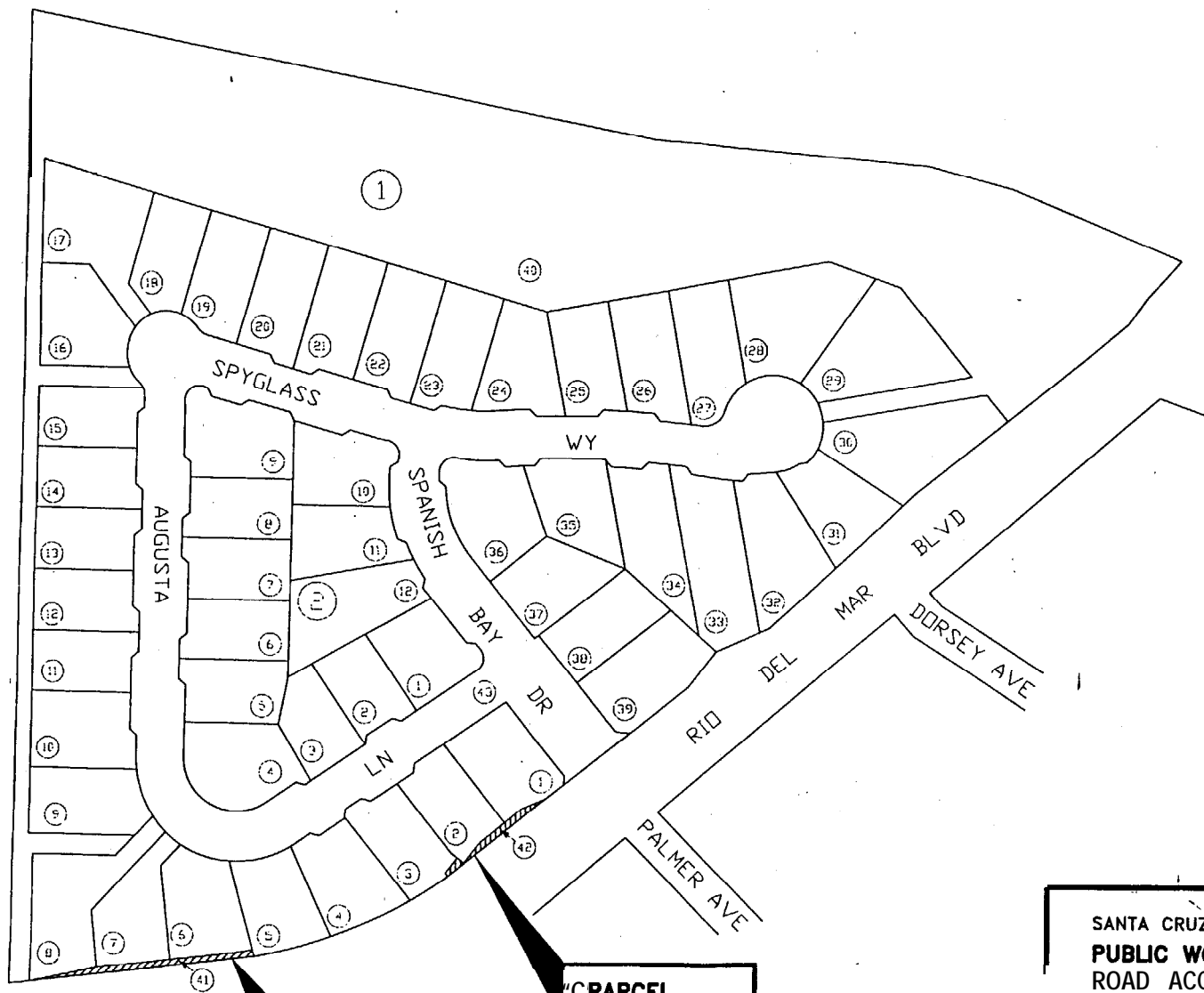
&hi-&Assistant County Counsel
Distribution: Assessor
Public Works
Surveyor

County Counsel
Recorder

Planning
Sheriff



N.T.S.



PARCEL "B"

"C" PARCEL

SANTA CRUZ COUNTY
PUBLIC WORKS DEPARTMENT
ROAD ACCEPTANCE
TRACT 1343 - RIO HIGHLANDS
APN: 44-301-41 AND 42
LOCATION MAP